



Town of Carlisle

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Office of

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Carlisle Planning Board Policy for Noise Control Adopted 11/21/11

I. AUTHORITY AND PURPOSE

The purpose of this Policy is to establish procedures for addressing potential nuisance and health hazards from construction noise in the Town of Carlisle. While the Board of Health has broad authority under state law (M.G.L. Chapter 111, Sections 31C and 122) to investigate and control nuisance conditions, the Planning Board (Board) finds that it is preferable to address potential nuisance noise generation before it occurs. Pursuant to powers granted to the Board under M.G.L. Chapter 40A, Section 9 regarding Special Permits and the Subdivision Control Law (M.G.L. Chapter 81K et seq.) enacted "for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect," this policy was adopted by the Board on November 21, 2011.

II. APPLICABILITY

This policy shall apply to construction activities pursuant to subdivision approvals and special permits for development under the purview of the Board. As specified in Attachment D "Construction Management Plan" (CMP) which has been adopted by the Board as an attachment to the rules & regulations governing subdivisions and special permits for development, the CMP shall address Noise Control during each stage of construction, to the extent applicable on a given project. This Policy addresses construction noise of significant intensity and duration that can be expected from impact devices, including but not limited to hoe rams (generally used for ledge and subsurface rock removal during site development), rock drills and pile drivers, as well as rock crushing devices ("Impact Devices"). Noise Studies referenced by the Massachusetts Department of Environmental Protection (DEP) show Construction Equipment Noise Emission Levels for hoe rams, rock drills, pile drivers, and similar impact devices considerably higher than the 10 db(A) above ambient sound limitation of the DEP noise regulation (310 CMR 7.10).

III. NOISE CONTROL PLAN

- A. In developing the CMP, the applicant or his representative shall prepare and submit to the Board an estimate of the extent of ledge and rock removal, rock crushing and/or drilling necessary during site development and the expected duration (number of days and hours per day) of the operation of Impact Devices. If requested by the Board, the applicant also shall provide to the Board a cross section of the material to be excavated in support of such estimate. The applicant or his representative shall meet with the Planning Administrator and the Board's Peer Review Engineer to develop a Noise Control Plan including proposed mitigating measures. The Planning Administrator may invite abutting homeowners and/or representatives of Town Departments or committees to such meetings. The purpose of the meeting(s) is for the parties to arrive cooperatively at a mutually agreeable Noise Control Plan in order to minimize the generation of noise levels that may interfere

with the health and well being of people, including Carlisle citizens, in the vicinity of the site development activities.

- B. The Peer Review Engineer may require that the applicant drill additional exploratory boreholes on the site, at the applicant's expense, to increase the likelihood the estimate of ledge and rock removal, rock crushing and/or drilling required is accurate. The Peer Review Engineer's cost and expenses will be covered through the Project Review Fee account established for the application.
- C. The contractor shall certify in writing to the Peer Review Engineer that the engines of all equipment used in ledge and rock removal include mufflers that are equal to or better than the original manufacturer's product and that other sound absorption devices meeting industry standards are employed where practicable.
- D. Mitigating measures required by the Board may include, but are not limited to:
 - 1. Modification of the development plans to reduce the amount of ledge and rock removal, rock crushing and/or drilling required.
 - 2. Consideration of alternate methods of ledge and rock removal, such as blasting, to reduce or eliminate the need for Impact Devices. The Board may require two "no bid" proposals from licensed blasting operators indicating that blasting is not physically or economically feasible.
 - 3. Where blasting is used, sufficient drill hole density at the blast site to minimize large boulders that would require subsequent hoe ramming to process them into smaller rocks.
 - 4. Requiring that large boulders of 3 cubic yards or larger in volume resulting from blasting be processed into smaller rocks at an appropriate site outside the Town of Carlisle. (This would require additional approvals for the transport of the boulders, so blasting procedures that minimize large boulders— as described in C.3. above—are preferable.)
 - 5. Requiring rock crushing activities be conducted at an appropriate site outside the Town of Carlisle or, if allowed on site, requiring that they be located as far as possible from existing streets and abutting homes.
 - 6. Creation of noise barriers or earth berms to absorb sound, where practicable, between the site(s) where Impact Devices are to be operated and abutting homes/properties.
 - 7. Development of a schedule for the use of Impact Devices that clearly defines when the work shall be done and that minimizes the number of consecutive hours and consecutive days for such activities.
- E. Evaluation of the potential noise nuisance generation of the work shall include consideration of the location of abutting homes and intervening natural features.
- F. A schedule indicating days and hours of all planned use of Impact Devices shall be developed and provided weekly to the Planning Administrator, Building Commissioner and Board of Health Agent at least one week before any such planned activity. The Noise Control Plan shall include a provision requiring that a daily log be kept for the length of the project recording the days and hours of the use of specific Impact Devices. The log shall be provided on a regular basis to the Peer Review Engineer and to other parties as may be determined by the Board.
- G. Deviations from this policy as documented by the Peer Review Engineer are cause for enforcement action, including without limitation possible issuance of cease and desist orders by the Building Commissioner, to be enforced by the Police Department as necessary.
- H. Once work commences, should more ledge or rock be encountered than covered in the original estimate submitted to the Board, or if the use of the Impact Devices is to be expanded beyond such

original estimate, the applicant or his representative shall, before continuing with such ledge and rock removal, inform the Peer Review Engineer, who shall determine, through consultation with the Planning Administrator, if an additional meeting is necessary to review and revise the Noise Control Plan.

- I. Nothing in this policy shall reduce the responsibilities and powers of the Board of Health or the Building Commissioner, per state or local bylaws, guidelines or regulations, with regard to their authority to regulate the impacts of development on the health and well-being of people, including Carlisle citizens, nor shall otherwise affect any rights citizens may have in law or in equity relating to the matter.